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April 1, 2019

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FROM: Rodrigo A. Castro-Silva 
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SUBJECT: REPORT BY THE INSPECTOR GENERAL

Enclosed please find the Office of Inspector General's report, *Protecting Vulnerable Communities: A Review of the Los Angeles County Sheriff's Department's Hate Crime Policies, Procedures, and Training.*

If you have any questions concerning this report, please contact me at (213) 974-6100.

Enclosure

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Office of Inspector General County of Los Angeles

Protecting Vulnerable Communities: A Review of the Los Angeles County Sheriff's Department's Hate Crime Policies, Procedures, and Training

April 2019

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Introduction

Hate-motivated events are unique in that they impact not only targeted individuals, but also vulnerable communities as a whole. Hate crimes and hate incidents can have far reaching effects on individuals and communities because they can “incite terror and through this feeling control and manipulate their victims, effectively restricting access to public spaces and even regions, to education, and to job opportunities.”¹

Diversity is a core characteristic of Los Angeles County that is celebrated and appreciated. Law enforcement must work proactively to build trust with vulnerable communities, encourage reporting, and help prevent future acts of hate.

On July 17, 2018, after the California State Auditor issued a report identifying a 20% increase in hate crimes from 2014-2016,² the Board of Supervisors directed the Office of Inspector General (OIG), in consultation with the Sheriff’s Department, the Office of Immigrant Affairs, and the Office of County Counsel, to:

review, in accordance with the State audit findings and Assembly Bill 1985, the Los Angeles Sheriff’s Department’s hate crime policies, procedures, and training (including effective implicit bias reduction training and practices) to determine whether they are up-to-date, utilizing best practices and model policies on hate crime investigation and reporting, including those of past CCJCC Task Forces, the California Peace Officers Standards and Training Commission (POST) resources, the California Attorney General, and the International Association of Chiefs of Police.³

The OIG reviewed and evaluated the Sheriff’s Department’s (LASD or Department) hate crimes policies, procedures, and trainings and compared them to best practices and model policies. We found that the Department’s current policies, procedures, and trainings are not up-to-date and are not consistent with best practices or model policies. To protect vulnerable communities from hate crimes, the LASD must update its current hate crime policies, procedures, and trainings.

The Office of Inspector General recommends the LASD:

- Update its hate crime and hate incident review and tracking systems to ensure hate crimes and hate incidents are accurately identified and not underreported to the California Department of Justice (DOJ) and other agencies.

¹ Robert J. Boeckmann and Carolyn Turpin-Petrosino, *Journal of Social Issues*, Understanding the Harm of Hate Crime, Volume 58, No. 2, 2002: 207-225 at 221.

² California State Auditor Report, May 2018, at <https://www.bsa.ca.gov/pdfs/reports/2017-131.pdf>

³ Motion by Supervisors Hilda L. Solis and Sheila Kuehl, Protecting Vulnerable Communities from Hate Crime, July 17, 2018.

- Provide refresher hate crimes trainings and mandate an implicit bias reduction training curriculum conducted by a subject matter expert in the area, not LASD personnel as is currently done.
- Require patrol deputies to use a checklist during hate crime investigations to help develop expertise in identifying and investigating such crimes.
- Require personnel to familiarize themselves with the California Attorney General's Hate Crime Rapid Response Team protocols to ensure awareness of all resources available to them when handling qualifying hate crime investigations.
- Implement community outreach programs related specifically to hate crimes and hate incidents.
- Require cultural-sensitivity trainings to help build cultural competency.
- Develop stronger relationships with community leaders to better assess the unique needs and fears of vulnerable communities when reporting hate-motivated events.
- Ensure compliance with California Penal Code section 422.92 by routinely updating its hate crimes brochure and distributing it to victims of hate crimes and to the public.
- Follow the requirements set forth in California Assembly Bill 1985.

LASD's Hate Crime Policies and Procedures

The Department follows a two-step process to review and track hate crimes and hate incidents. First, after a hate crime or hate incident occurs, the reporting deputy generates a crime report classifying the event as either a hate crime or a hate incident and assigns the corresponding statistical code⁴ to the report.

Department policy defines a hate crime as: any criminal act or attempted criminal act directed against a person(s) that is motivated by bias (1) due to that person's (actual or perceived) race, religion, ethnicity, sexual orientation, gender (including transgender), or

⁴ Every report generated is assigned a 15-digit uniform report number (URN) to help accurately classify and compile statistical information. The last three digits of the URN reflect the crime or incident being reported. Seven different statistical codes are used by the Department to classify a hate crime as based on race, ethnicity, religion, sexual orientation, physical disability, mental disability, or gender, and one statistical code is used to classify a hate incident (non-criminal).

disability (including mental illness), or (2) due to that person's association with any of the aforementioned protected groups; or directed against a public agency or private institution that is apparently motivated by the fact that the agency or institution is identified or associated with a person(s) with an indefinable protected characteristic (i.e., race, religion, ethnicity, sexual orientation, gender, or disability).⁵

Department policy defines a hate incident as a non-criminal act or words directed against a person(s) that is motivated by bias against that person or a group based on that person's race, religion, ethnicity, sexual orientation, gender, or disability. Hate incidents include uttering epithets; distributing hate materials in public places; posting hate materials without causing property damage; and displaying offensive materials on one's own property.⁶

Once the event is classified and the report is completed, it is reviewed and signed by a sergeant, then forwarded to Department clerical staff. Clerical staff are then responsible for entering the details of the report into the LASD's Los Angeles Regional Crime Information System (LARCIS)⁷ and faxing a copy of the report to the Department's Hate Crimes Coordinator for a second review.

By policy, all hate crime investigations must be handled by the Department's Hate Crimes Task Force.⁸ Since 2015, the Hate Crimes Task Force has been part of the Department's Criminal Intelligence Bureau (CIB). The Hate Crimes Task Force consists of one detective who serves as the Hate Crimes Coordinator, and two CIB criminal analysts. Once the Hate Crimes Coordinator receives the crime report, he or she reviews the report for accuracy. If the event is classified incorrectly, a supplemental report is requested and the correct statistical code assigned. Since 2015, the Department has assigned a hate crimes liaison⁹ to each of its 23 stations. The request for a supplemental report is made to a station's hate crimes liaison or the author of the report. The details of the supplemental report are then entered into LARCIS by clerical staff.

The Hate Crimes Task Force tracks hate crimes and hate incidents using its own CIB Hate Crimes/Hate Incident database.¹⁰ Once the Hate Crimes Coordinator confirms the accuracy of a crime report, he or she enters the details of the report into CIB's Hate Crimes/Hate Incident database. The two CIB criminal analysts then verify the information entered into CIB's database by comparing it to the information entered into LARCIS. The analysts rely on the information maintained in the CIB database to generate the Department's internal hate crime and hate incident statistics and to forward information to outside agencies.

⁵ Manual of Policies and Procedures (MPP) 5-09/510.00.

⁶ *Id.*

⁷ LARCIS is the Department's internal database that contains records of all incidents or events for which a report is generated.

⁸ Manual of Policies and Procedures (MPP) 4-11/012.00.

⁹ A hate crimes liaison is a sergeant or detective at a station who is assigned to this position as a collateral duty.

¹⁰ The CIB's Hate Crimes/Hate Incident database is maintained using a Microsoft Access database management system.

Every month, CIB analysts issue an internal report on hate crimes and hate incidents to the Chief of the Special Operations Division. That report includes graphs and statistics that are not distributed to any outside agencies.

As required by California Penal Code section 13023, CIB analysts also report hate crimes (not hate incidents) to the California Department of Justice (DOJ) on a monthly basis. Penal Code section 13023 requires local law enforcement agencies throughout the state to report to the DOJ any information related to hate crimes.¹¹ Using the information reported by local law enforcement agencies, the DOJ issues annual reports on hate crime statistics.

In addition, copies of the hate crime reports that are reported to the DOJ every month are forwarded to the following outside agencies on a monthly basis:

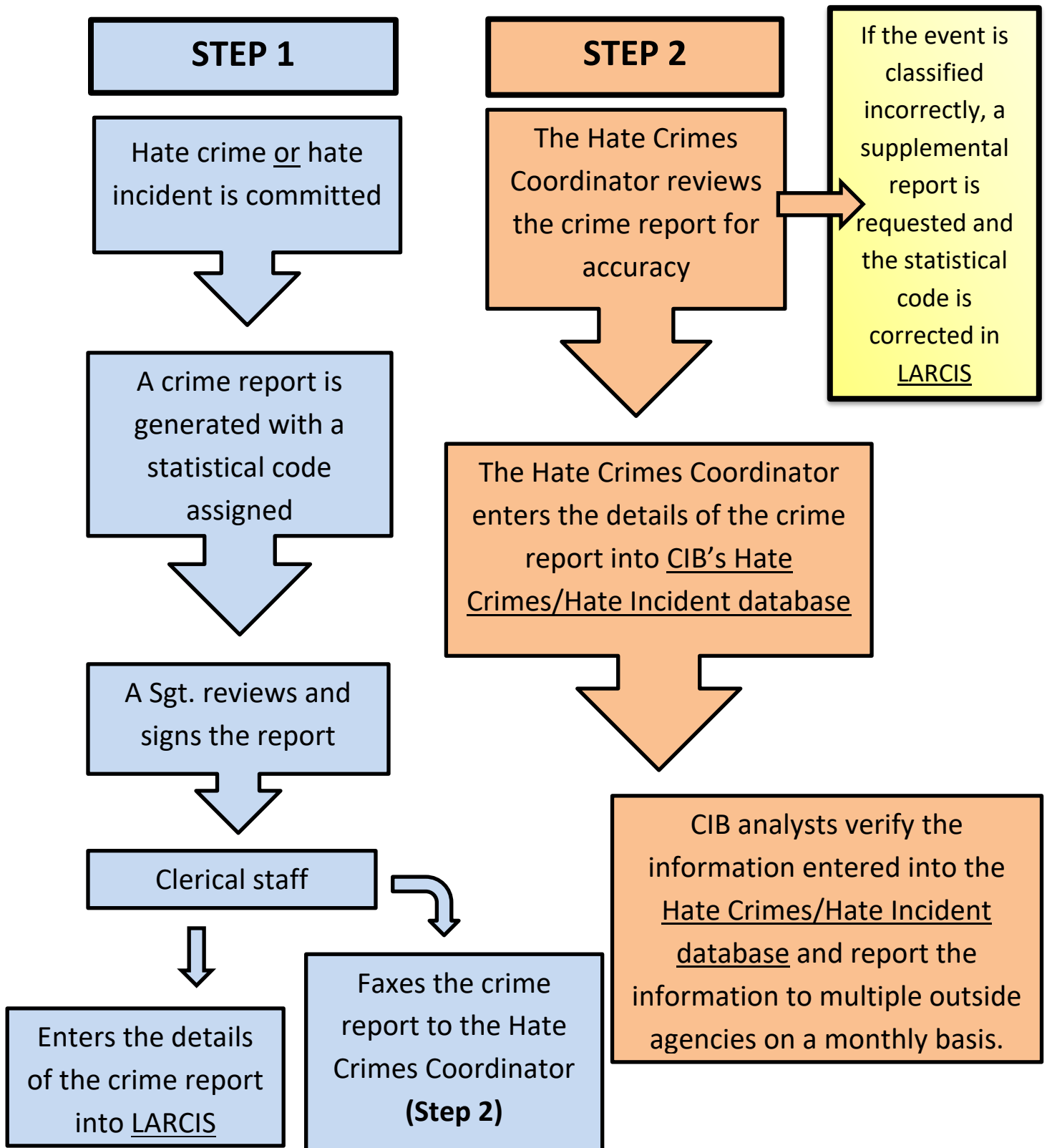
- 1) The Los Angeles County Human Relations Commission;
- 2) The Los Angeles County District Attorney's Office Hate Crime Division;
- 3) The U.S. Attorney's Office; and
- 4) The Federal Bureau of Investigation.

The reports forwarded to the Los Angeles County Human Relations Commission are redacted.

The detective formerly in charge of the Department's Hate Crimes Task Force retired on September 18, 2018, and a replacement was assigned to the position on September 24, 2018. The OIG has been informed, however, that CIB is being affected by the restructuring of the Department. This restructuring has not yet been completed and the OIG will continue to monitor and report on the ongoing status of the Hate Crimes Task Force.

¹¹ California Penal Code section 13023.

LASD's Two-Step Process to Review and Track
Hate Crimes/Hate Incidents



Disparities in Hate Crime Reporting

On May 31, 2018, using the DOJ's hate crimes database, the California State Auditor issued a report identifying an increase in hate crimes from 2014 to 2016. Specifically, hate crimes in California had increased by more than twenty percent in that time period, from 758 to 931.¹² In addition, on July 9, 2018, the DOJ reported a 17.4 percent increase in hate crime events from 931 in 2016 to 1,093 in 2017.¹³

In its 2017 Hate Crimes Report, the Los Angeles County Commission on Human Relations (LACCHR) reported a five percent increase in hate crimes reported in Los Angeles County, from 482 in 2016 to 508 in 2017.¹⁴

By contrast, on August 2, 2018, former Sheriff Jim McDonnell reported that in 2017, hate crimes in LASD's jurisdiction were down fifty percent from 2016.¹⁵ Given the large disparity between LASD's report on hate crimes and other agencies' reports, the OIG reviewed LASD's policies and procedures to determine whether hate crimes and incidents were adequately being identified and reported by the Department.

Review of LASD's Hate Crimes Policies and Procedures

OIG staff randomly selected four patrol stations (one in each patrol division) and requested the following information to review:

- 1) copies of all hate crime and hate incident reports from January 1, 2017 through December 31, 2017 from the four stations;
- 2) a LARCIS report for the hate crime and hate incident reports requested; and
- 3) a copy of the information stored in CIB's Hate Crimes/Hate Incident database for the same reports.

OIG staff also requested a LARCIS report from the Department's Custody Investigative Services, Jail Investigations Unit (JIU), for all hate crimes and hate incidents reported in custody facilities from January 1, 2017 through December 31, 2017.

Given that the Department relies exclusively on the information stored in CIB's Hate Crimes/Hate Incident database for reporting, OIG staff compared the information stored in LARCIS with the information stored in CIB's database. OIG staff found that a total of

¹² California State Auditor Report, May 2018, at <https://www.bsa.ca.gov/pdfs/reports/2017-131.pdf>

¹³ 2017 Report on Hate Crimes in California. Published on July 9, 2018, p.23 at <https://openjustice.doj.ca.gov/resources/publications>.

¹⁴ See 2017 Hate Crimes Report, Los Angeles County Commission on Human Relations at: <https://wdacs.lacounty.gov/HRC/2017%20Hate%20Crime%20Report%20PDF.pdf>. LACCHR generates its statistics based on every law enforcement agency in Los Angeles County (including LASD) as well as reports received from multiple community-based organizations throughout the County.

¹⁵ August 2, 2018 Podcast. Airtalk®: LA County Sheriff on 89.3 KPCC. The OIG requested the data used to generate these statistics on numerous occasions but the Department was unable to produce the information.

forty-eight hate crimes and hate incidents were identified in LARCIS for 2017 at the four randomly selected stations and in custody. Specifically, there were thirty-two events identified from the four patrol stations and sixteen events from custody. In contrast, CIB's database had a total of only thirty events from the four patrol stations and zero events from custody for the same time period. After further review of each database, we determined the following:

- One report that was initially classified as a hate crime in LARCIS was determined by the Hate Crimes Task Force to be a non-hate event. However, this information was never updated in LARCIS. In accordance with policy, a supplemental report should have been requested and the statistical code corrected in LARCIS.
- Two reports initially classified as hate crimes were re-classified by the Hate Crimes Task Force to be hate incidents. That change was not reflected in LARCIS and supplemental reports were not generated to reflect the change.
- One report initially classified as a hate incident was later elevated to a hate crime by the Hate Crimes Task Force. However, the change was not reflected in LARCIS.
- Although LARCIS had sixteen hate crimes reported from custody in 2017, thirteen were determined to be non-hate related events by the JIU, but never updated in LARCIS. The three remaining hate crimes were not accounted for in CIB's Hate Crimes/Hate Incident database.
- One report that was initially classified as a non-hate motivated event was subsequently elevated to a hate crime during the investigation, but CIB's Hate Crimes Task Force was not notified of the change.

In summary, four hate crimes (three from custody and one from patrol) were not in CIB's Hate Crimes/Hate Incident database; therefore, they were not reported to the DOJ. Our review of a sample of the Department's hate crimes and hate incidents suggests that such crimes and incidents may be inadequately identified and underreported by the Department.

Hate Crime Trainings

LASD deputies receive training on hate crimes at the Academy and during in-service training. Sixteen hours of the Academy training are dedicated to the subject of cultural diversity and discrimination, which includes hate crimes. The hate crimes component of the training includes:

- 1) Laws related to hate crimes;
- 2) Federal and civil actions related to hate crimes;
- 3) Impact of hate crimes; and
- 4) Investigation and documentation of hate crimes.

At the conclusion of the hate crimes component, a series of hypothetical questions are distributed to help trainees review and apply the material covered.

When a deputy transitions to patrol from a custody assignment, he or she must complete a six-phase field training program. Phases two and three of that program include training on hate crimes. Specifically, they cover:

- 1) Hate crime indicators;
- 2) Consequences of hate;
- 3) Legislative mandates; and
- 4) Dealing with hate crimes.

A series of exams are also administered during this training to test the trainees' understanding of hate crime investigations and reporting.

At each patrol station, designated hate crimes liaisons are offered additional hate crime trainings by the Los Angeles County District Attorney's Office (LADA); the U.S. Attorney's Office; the Anti-Defamation League; the Museum of Tolerance; and the Network Against Hate Crimes. The hate crimes liaisons are then responsible for providing training to their respective station personnel. They are also encouraged to conduct station briefings on laws related to hate crimes and on hate crime investigations and reporting on a regular basis.

OIG staff met with hate crimes liaisons at four randomly selected patrol stations and found that only one of the four stations conducted station briefings on laws related to hate crimes. That same station also invited the Hate Crimes Coordinator to the station on a bi-annual basis to conduct refresher training on hate crime investigations and reporting.

The three other stations OIG staff visited did not coordinate with the Hate Crimes Coordinator to conduct refresher training or provide hate crime and hate incident training at station briefings. Instead, the hate crimes liaisons at those stations counted on the "hate crime investigation and reporting" training deputies received at the Academy and during in-service training to be sufficient.

Implicit Bias Reduction Training and Practices

While overt discrimination and explicit biases directly affect hate-motivated crimes and incidents, implicit biases also affect an individual's behavioral and decision-making processes. Implicit biases are "stereotypes and attitudes that we are unaware of, do not consciously intend, and might reject upon conscious self-reflection."¹⁶ Existing below

¹⁶ Jerry Kang, *Implicit Bias and the Pushback from the Left*, Saint Louis University Journal, Volume 54: 1139-1150, 2010 at 1139.

our conscious awareness, implicit biases can potentially impact community-policing by unconsciously affecting a peace officer's decision-making process during an investigation. As Dr. Bryant T. Marks, Founding Director of the National Training Institute on Race and Equality, explains, "showing a preference for or against any particular group does not mean that a person is prejudiced or will discriminate, but it does suggest that s/he has been repeatedly exposed to certain associations between specific groups and specific traits/characteristics and have stored them in memory."¹⁷

Although levels of implicit bias can differ in individuals, these associations are often very strong and difficult to remove. Ongoing trainings and implementation of policies "that reduce the likelihood that implicitly biased beliefs will lead to biased behaviors"¹⁸ can help alter an officer's decision-making process and positively influence investigations and reporting.

At the Academy, underlying concepts of implicit bias, such as perceptions, stereotypes, prejudice, discrimination, and racial profiling are covered, but not the concept of implicit bias itself.

Since April 2016, the Department's Training Bureau has offered its sworn personnel a training entitled Principled Policing: Procedural Justice and Implicit Bias that, in part, covers the principles of implicit bias.¹⁹ This training, however, is not mandated by the Department, not dedicated exclusively to the subject of implicit bias, and is conducted by Department personnel. To date, a total of 294 sworn personnel have attended this training.²⁰

To identify best practices in awareness of implicit bias and the science behind implicit bias and its impact on law enforcement, the OIG consulted with Professor Jack Glaser, Associate Dean of the Goldman School of Public Policy at the University of California, Berkeley, and author of "Suspect Race, Causes and Consequences of Racial Profiling." The OIG also arranged for Professor Glaser to present a synopsis of his research to members of the Department's Executive Staff and the Department's Professional Standards and Training Division.

Other law enforcement agencies have recognized the benefits of requiring implicit bias training for their sworn personnel by a subject matter expert. Between March 27, 2017 and October 2, 2017, a total of 9,188 Los Angeles Police Department (LAPD) sworn personnel attended the Acknowledging and Managing the Hidden Bias of Good People:

¹⁷ Dr. Bryant T. Marks, Sr., Founder and Chief Training Officer of the National Training Institute on Race and Equality and Associate Professor of Psychology (excerpt taken from training materials on Implicit Bias and Cultural Competence training).

¹⁸ *Id.*

¹⁹ Two OIG staff members have attended, in full, each of the three separate sessions of the Department's Principled Policing: Procedural Justice and Implicit Bias training. Two OIG staff members have also attended the Train the Trainer class for the Department's Principled Policing: Procedural Justice and Implicit Bias training.

²⁰ As part of a federal court-enforceable settlement agreement, deputies assigned to the Antelope Valley stations are mandated to attend two additional trainings entitled Constitutional Policing and Bias Free Policing.

Implications for Police and Communities They Serve training presented and created by Dr. Marks, Associate Professor of Psychology at Morehouse College.

In March 2018, former Sheriff Jim McDonnell, along with several of his executive staff, attended a training session on implicit bias by Dr. Marks. After the training, Sheriff McDonnell expressed a desire to make the training mandatory for all LASD sworn personnel. It is unknown at this time if the current administration intends to do the same or something similar. Given the complex science behind the principles of implicit bias, and the impact it has on decision-making, the LASD should consider mandating a training dedicated exclusively to the principles of implicit bias for all LASD sworn personnel by a subject matter expert.

Best Practices and Model Policies

To determine whether LASD's hate crime policies, procedures, and training are up-to-date and consistent with best practices and model policies, OIG staff reviewed the policy guidelines and resources related to hate crimes from the Countywide Criminal Justice Coordination Committee (CCJCC) Task Force on Hate Crimes, the California Peace Officers Standards and Training Commission (POST), the California Attorney General's Office, and the International Association of Chiefs of Police (IACP) and compared them to LASD's policies and procedures.

Our review found that the following four categories of policies and practices must be developed and expanded to ensure consistency with best practices:

- 1) Effective response and investigations of hate crimes and hate incidents;
- 2) Cultural competency and building trust;
- 3) Accurate data collection and reporting; and
- 4) Refresher trainings on hate crimes.

Effective Response and Investigation of Hate Crimes and Hate Incidents

To effectively respond to and investigate hate crimes and hate incidents, the IACP guidelines state that officers should conduct "thorough, prompt, and complete investigations in all suspected and confirmed hate crimes."²¹ The IACP guidelines explain that "a swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery."²²

Model policies should outline initial response procedures, supervisory responsibilities, and an investigator's responsibilities.²³ To ensure thorough and complete investigations

²¹ International Association of Chiefs of Police, Model Policy: Investigation of Hate Crimes, September 2016.

²² *Id.*

²³ *Id.*

are conducted, current POST guidelines suggest law enforcement agencies should create and distribute a checklist for the investigation of hate crimes.²⁴ POST suggests a checklist be used by officers at the time of reporting to help develop expertise in identifying and investigating hate crimes and to ensure compliance with state and federal reporting requirements.²⁵

Consistent with IACP guidelines, LASD's current policies outline initial response procedures, supervisory responsibilities, and investigator responsibilities when handling hate crimes and hate incidents.²⁶ Absent from LASD's policies and procedures is the use of a checklist when taking hate crime reports. The LAPD provides patrol officers with an incident checklist that instructs them on how to properly respond to a hate crime or hate incident and suggests questions to ask at the scene (Attachment A). All patrol officers also have to complete a separate hate crimes supplemental report during every hate crime or hate incident as part of their reports. In addition, once an investigating detective is assigned to the case, the detective is instructed to use a hate crime/hate incident detective checklist to assist with his or her investigation (Attachment B). The LASD should implement similar policies.

POST guidelines also suggest law enforcement agencies develop and implement cooperative hate crimes plans with other law enforcement agencies.²⁷ Recognizing the value of cooperative plans, in May 2018, California Attorney General Xavier Becerra updated the Attorney General's Hate Crime Rapid Response Team protocols to ensure local law enforcement agencies have full access to all California DOJ tools and resources to assist in the investigation and prosecution of certain hate crimes.²⁸

LASD personnel should familiarize themselves with the Attorney General's Hate Crime Rapid Response Team protocols to ensure knowledge of all resources available to them when handling qualifying hate crimes.

Cultural Competency and Building Trust

On January 2016, the CCJCC established a Task Force on Hate Crime Outreach and Response to promote inter-agency coordination and sharing of best practices to reduce and respond to hate crimes. Part of the Task Force's duties was to share best practices

²⁴ California Commission on Peace Officer Standards and Trainings (POST) Hate Crimes Policy Guidelines at: http://lib.post.ca.gov/Publications/hate_crimes.pdf. POST is currently in the process of updating its Hate Crimes Policy Guidelines and model policy framework. POST anticipates the revision to be completed on or before May 31, 2019.

²⁵ California Commission on Peace Officers Standards and Trainings Hate Crimes Policy Guidelines, September 2008, at http://lib.post.ca.gov/Publications/hate_crimes.pdf at 1.

²⁶ Manual of Policies and Procedures (MPP) 5-09/510.00.

²⁷ *Id.* at 2.

²⁸ The Attorney General's Hate Crime Rapid Response Team Protocol for Deployment of Department Resources at: http://ag.ca.gov/publications/civilrights/HC_ResponseTeam.pdf. Events qualifying for deployment of the Hate Crime Rapid Response Team involve any or all of the following: 1) serious bodily injury or death, or appear calculated to cause such; 2) acts of arson or attempted arson; 3) use of explosives; and/or 4) a mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

among law enforcement and government agencies to help deter bias-motivated violence and strengthen outreach efforts. Chaired by the Executive Director of LACCHR and the Captain of CIB at LASD, the Task Force included representatives from fourteen other agencies²⁹ all working together to help develop a shared understanding of “best practices” by collecting and reviewing a number of relevant policies and practices from Task Force member agencies.

The Task Force found that best practices and model policies require law enforcement agencies to cultivate community connections and build mutual trust. It also found that all sworn personnel should be trained on becoming more culturally competent by learning about historic prejudices and the impacts they have had on the communities they serve. Cultural competency helps law enforcement build trust with communities and encourages victims to report hate-motivated events.

As the Attorney General’s 2017 Hate Crimes Report explains, “cultural practices of individuals and their likeliness to report hate crimes to law enforcement agencies” influence the number of hate crimes reported.³⁰ Language barriers, cultural fear of law enforcement, fear of compromising privacy, fear of retaliation, and fear of deportation are among the many factors that can prevent a victim from reporting a hate crime or hate incident.³¹ As the IACP guidelines emphasize, building on an agency’s community relations function is essential to reducing fear of reporting in vulnerable communities and in preventing future hate crimes and hate incidents. Building community relations is “particularly important among marginalized minority groups who may be less likely to report hate crimes to the police, including members of LGBTQ communities and [undocumented] immigrants.”³²

Understanding the impact hate-motivated events have on victims and their communities requires law enforcement to recognize that “even minor expressions of hostility toward minorities can be traumatic, given that minorities are well aware of the extreme violence that has been perpetrated on members of their group.”³³ A hate incident is often a precursor to a hate crime – “an offensive note or a thrown egg may suggest that a lethal attack will ensue.”³⁴ It is therefore critical that law enforcement personnel understand

²⁹ The following agencies were represented: LADA; LAPD; Long Beach Police Department; Los Angeles Unified School Police Department; U.S. Department of Justice Community Relations Service; Los Angeles Unified School District – Office of Human Relations, Diversity, and Equity; Muslim Public Affairs Counsel; Counsel on American Islamic Relations; California Sikh Council; South Asian Network; Anti-Defamation League; Los Angeles LGBT Center; California Conference for Equality and Justice; and Hate Violence Prevention Partnership. See <http://file.lacounty.gov/SDSInter/bos/supdocs/109387.pdf> at 2.

³⁰ 2017 Report on Hate Crime in California. Published on July 9, 2018, p.30 at <https://openjustice.doj.ca.gov/resources/publications>

³¹ California State Auditor, Hate Crimes in California, May 2018, at: <https://www.auditor.ca.gov/pdfs/reports/2017-131.pdf> at 30.

³² International Association of Chiefs of Police, Model Policy: Investigation of Hate Crimes, September 2016 at 3, footnote 7.

³³ Robert J. Boeckmann and Carolyn Turpin-Petrosino, *Journal of Social Issues*, Understanding the Harm of Hate Crime, Volume 58, No. 2, 2002: 207-225 at 221.

³⁴ *Id.*

the dangers associated with all hate-motivated events and actively encourage victims to report them.

LASD's Muslim Community Affairs Unit works closely with the community to better understand Islam, Muslims, and Middle Eastern culture. At the station level, hate crimes liaisons are responsible for building trust and relationships with their respective communities by developing outreach programs.

OIG staff visited four LASD patrol stations, each serving a different community, to best assess the Department's outreach programs. We found that although every station engages in general outreach efforts, only one station specifically reaches out to the vulnerable community it serves and provides community outreach programs related to hate-motivated events. Notably, the same station generated the most hate crime and hate incident reports reviewed by the OIG.

California Penal Code section 422.92 requires all state and local law enforcement to make available to victims of hate crimes and to the public a brochure on hate crimes.³⁵ In September 2018, LASD created an informational brochure on hate crimes for distribution to all patrol stations to be made available to victims of hate crimes and to the public (Attachment C).

To create better relationships with vulnerable communities and build trust, LASD must:

- 1) Expand its community outreach efforts by providing outreach programs that relate specifically to hate crime and hate incident issues;
- 2) Require cultural-sensitivity trainings to build cultural competency;
- 3) Develop stronger relationships with community leaders to better assess the unique needs and fears of vulnerable communities when reporting hate-motivated events; and
- 4) Ensure compliance with California Penal Code section 422.92 by routinely updating its hate crimes brochure and distributing it to victims of hate crimes and the public.

Accurate Data Collection and Reporting

Under California Penal Code section 13023, local law enforcement agencies must report hate crimes to the California DOJ. To assist with more accurate data collection and reporting, the DOJ suggests that "each law enforcement agency establish procedures incorporating a two-tier review (decision-making) process. The first level is done by the initial officer who responds to the suspected hate crime incident. At the

³⁵ California Penal Code section 422.92(a).

second level, each report is reviewed by at least one other officer to confirm that the event was, in fact, a hate crime.”³⁶

OIG staff found that although LASD follows a two-step process to review and track hate crimes and hate incidents, the two databases used to store hate crimes and hate incidents information (LARCIS and CIB’s Hate Crimes/Hate Incident database) are not synchronized, which results in inaccurate information being reported to the DOJ and outside agencies.

LASD should update its current hate crime and hate incident data-tracking system to ensure accurate information is forwarded to the DOJ and other outside agencies. LASD should also conduct an annual audit of its hate crime and hate incident tracking procedures to assess their accuracy. This is especially important because accurate data collection and reporting can help identify targeted communities and ensure that adequate resources are deployed to help prevent future hate-motivated events.

The Attorney General warns that several factors can influence the number of hate crimes reported to the DOJ. These factors include:

- Cultural practices of individuals and their likeliness to report hate crimes;
- Strength and investigative emphasis of law enforcement agencies;
- Policies of law enforcement agencies; and
- Community-policing policies.³⁷

LASD should familiarize itself with the factors that can influence accurate data collection and develop policies and procedures that can help alleviate those influences.

Refresher Trainings on Hate Crimes

The Department relies mainly on its deputies receiving hate crimes training at the Academy and during in-service training. Although hate crimes liaisons at patrol stations are tasked with providing refresher trainings on hate crimes to their respective station personnel, the OIG found that only one liaison out of the four stations visited coordinates and conducts refresher trainings for its station personnel.

As POST’s hate crimes guidelines suggest, law enforcement agencies should develop and implement a hate crimes training program for appropriate agency personnel. POST suggests a long list of subjects that agencies should include in their trainings.

³⁶ 2017 Report on Hate Crime in California. Published on July 9, 2018, p.30 at: <https://openjustice.doj.ca.gov/resources/publications>

³⁷ *Id.*

Included on the list are:

- Indicators of hate crimes and hate literature;
- Interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, etc.);
- How to identify and handle hate crimes that involve gender-bias, disability-bias (including homeless persons with disabilities), or anti-immigrant, anti-Arab, or anti-Islamic bias;
- Knowledge of laws dealing with hate crimes and legal rights of hate crime victims;
- Recognition of the psychological impact hate crimes and hate incidents have on the victim, victim's family, and the community, and the specialized response needed by law enforcement to effectively handle these incidents;
- Techniques and methods to handle hate crime incidents in a non-combative manner.³⁸

POST guidelines explain that hate crime trainings are most effectively received when presented by an instructional team consisting of an experienced officer/deputy with knowledge of hate crimes investigations, a prosecutor or legal representative with knowledge of hate crime laws and prosecutions, and a victim or witness advocate or representative of a community-based organization or government agency who has experience working with victims of hate-motivated events.

LASD should coordinate with the LADA and community advocates experienced in handling victims of crime to develop ongoing hate crime and hate incident trainings for all its sworn personnel. Refresher trainings on hate crimes would assist the Department in cultivating relationships with vulnerable communities, help deputies to more accurately identify hate crimes and/or hate incidents, and lessen the likelihood of underreporting.

California Assembly Bill 1985

California Assembly Bill 1985 (AB 1985) was signed into law by Governor Brown on June 13, 2018, and went into effect on January 1, 2019. AB 1985 sets minimum standards on all newly adopted hate crimes policies by local law enforcement agencies and requires the same minimum standards be applied to any updates made to an existing hate crimes policy. The purpose of the bill is to reduce inconsistent hate crime reporting throughout the state and help strengthen affected communities.

AB 1985 added Chapter 2.5 (commencing with Section 422.87) to the California Penal Code and requires all local law enforcement agencies who update an existing hate crimes policy (or adopt a new policy) to implement the following:

³⁸ California Commission on Peace Officers Standards and Training, Hate Crimes Policy Guidelines, September 2008, at: http://lib.post.ca.gov/Publications/hate_crimes.pdf at 3-5.

- The definitions in Penal Code sections 422.55 and 422.56, which were amended to clarify that disabilities are protected under the law regardless of whether they are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.³⁹
- The model policy framework on hate crimes developed by POST and any revised POST policies.⁴⁰
- The policy must contain information on bias-motivation, including information on how to recognize suspected disability-bias motivated hate crimes.⁴¹
- The policy must include information regarding the general underreporting of hate crimes and the extreme underreporting of anti-disability and anti-gender hate crimes. The policy must also include a plan on how to remedy such underreporting.⁴²
- A protocol must be established for reporting hate crimes to the DOJ.⁴³
- A checklist of first-responder responsibilities must be used at the scene of a hate crime/hate incident that includes information on how to appropriately handle and assist hate crime victims.⁴⁴
- Require distribution of the agency's hate crimes brochure to victims at the scene and/or to any interested persons.⁴⁵
- The policy should specify a procedure for transmitting and periodically retransmitting all hate crime policies and relevant orders to sworn personnel and implement a process by which officers can immediately access hate crime policies in the field.⁴⁶
- Designated sworn personnel should be responsible for verifying that their agency has a hate crimes brochure and that all sworn personnel are trained to distribute the brochure to all hate crimes victims and any other interested persons.⁴⁷
- The policy should require all officers be familiar with the agency's hate crime policies and follow the policies at all times (unless otherwise directed).⁴⁸
- Any provisions of a model hate crime policy including those developed by the IACP may also be adopted.⁴⁹

LASD's current policies and procedures are not up-to-date and are not consistent with best practices or model policies. LASD must update its current policies and procedures in order to comply with the requirements of AB 1985.

³⁹ California Penal Code section 422.56(b).

⁴⁰ California Penal Code section 422.87(a)(2). *See also* California Penal Code section 13519.6

⁴¹ California Penal Code section 422.87(a)(3)(B)(C)(i)and(ii).

⁴² California Penal Code section 422.87(a)(4).

⁴³ California Penal Code section 422.87(a)(5). *See also* Penal Code section 13023.

⁴⁴ California Penal Code section 422.87(a)(6)

⁴⁵ *Id.* *See also* Penal Code section 422.92.

⁴⁶ California Penal Code section 422.87(a)(7)

⁴⁷ California Penal Code section 422.87(a)(8)

⁴⁸ California Penal Code section 422.87(a)(9)

⁴⁹ California Penal Code section 422.87(b)

Recommendations

The Office of Inspector General recommends the LASD:

- Update its hate crime and hate incident review and tracking systems to ensure hate crimes and hate incidents are accurately identified and not underreported to the California DOJ and other agencies.
- Provide refresher hate crimes trainings and mandate an implicit bias reduction training curriculum conducted by a subject matter expert in the area, not LASD personnel as is currently done.
- Require patrol deputies to use a checklist during hate crime investigations to help develop expertise in identifying and investigating such crimes.
- Require personnel to familiarize themselves with the California Attorney General's Hate Crime Rapid Response Team protocols to ensure awareness of all resources available to them when handling qualifying hate crimes.
- Implement community outreach programs related specifically to hate crimes and hate incidents
- Require cultural-sensitivity trainings to help build cultural competency.
- Develop stronger relationships with community leaders to better assess the unique needs and fears of vulnerable communities when reporting hate-motivated events.
- Ensure compliance with California Penal Code section 422.92 by routinely updating its hate crimes brochure and distributing it to victims of hate crimes and to the public.
- Follow the requirements set forth in AB 1985.

The OIG was advised by a POST consultant that POST is currently in the process of updating its Hate Crimes Policy Guidelines and model policy framework and anticipates the revisions to be completed on or before May 31, 2019. POST recommends that agencies thoroughly familiarize themselves with the policy requirements of AB 1985, but consider postponing any updates to hate crime policies until POST publishes its revisions.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

June 21, 2016

SUBJECT: REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE – REVISED; HATE CRIME SUPPLEMENTAL REPORT, FORM 03.01.05 – ACTIVATED; AND, HATE CRIME/INCIDENT GUIDELINES, FORM 18.44.00 – REVISED

PURPOSE: This Order revises Department Manual Section 4/203.25, *Reporting Incidents Motivated by Hatred or Prejudice*; activates the Hate Crime Supplemental Report, Form 03.01.05; and, revises the Hate Crime/Incident Guidelines, Form 18.44.00.

PROCEDURE:

- I. REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE – REVISED.** Department Manual Section 4/203.25, *Reporting Incidents Motivated by Hatred or Prejudice*, has been revised to include completion of the Hate Crime Supplemental Report. Attached is the revised Manual section with the revisions indicated in italics.
- II. HATE CRIME SUPPLEMENTAL REPORT, FORM 03.01.05 – ACTIVATED.**

The Hate Crime Supplemental Report, Form 03.01.05, has been activated to document parts of a hate crime or hatred incident investigation.

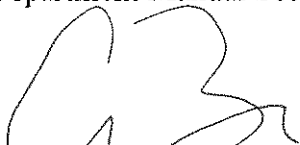
 - A. Use of Form.** This form shall be used by sworn officers who are completing a crime or a combined crime and arrest report related to a hate crime or hatred incident **and** shall be attached to the Investigative Report, Form 03.01.00, or Arrest Report, Form 05.02.00, as the last two pages of the primary report.
 - B. Completion.** The officer conducting the preliminary investigation of a hate crime or hatred incident shall complete the Hate Crime Supplemental Report. The completion of this form is self-explanatory.
 - C. Distribution.** This form is to be distributed as a page of all hate crime or hatred incident-related crime or combined crime and arrest reports.
- III. HATE CRIME/INCIDENT GUIDELINES, FORM 18.44.00 – REVISED.**

The Hate Crime/Incident Guidelines, Form 18.44.00, has been revised to include the completion of the Hate Crime Supplemental Report when completing a crime or combined crime and arrest report related to a hate crime or hatred incident investigation. Attached is the revised Hate Crime/Incident Guidelines with the revisions indicated in italics.

FORM AVAILABILITY: The Hate Crime Supplemental Report and the Hate Crime/Incident Guidelines are available in E-Forms on the Department's Local Area Network (LAN) and is attached for immediate use and duplication. The "Form Use" link applicable to these forms has been updated and is accessible in E-Forms on the Department's LAN. All other versions of the Hate Crime/Incident Guidelines shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENT: This Order amends Section 4/203.25 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 12, 2016**

203.25 REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE.

Hate Crime – Defined. A hate crime is any criminal act or attempted *criminal act* directed against a person(s), public agency or private institution based on the victim’s actual or perceived race, nationality, religion, sexual orientation, disability, gender or because the agency or institution is identified or associated with a person or group of an identifiable race, nationality, religion, sexual orientation, disability or gender. A hate crime includes an act which results in injury, however slight; a verbal threat of violence which apparently can be carried out; an act which results in property damage; and, property damage or other criminal act(s) directed against a public or private agency.

Hatred Incident – Defined. A hatred incident is any non-criminal act including words directed against a person(s) based on that person’s actual or perceived race, nationality, religion, sexual orientation, disability or gender. Hatred incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one’s own property.

Employee's Responsibilities. A Department employee who becomes aware of a crime or incident motivated by hatred or prejudice shall:

- Investigate the crime or incident in a timely manner;
- Notify the watch commander, Area of occurrence;
- Notify Real-Time Analysis and Critical Response (*RACR*) Division for inclusion of the crime or incident in the Chief of Police 24-Hour Occurrence Log and document the notification in the related report;
- Complete the appropriate crime or arrest report(s) and check the “MOTIVATED BY HATRED/PREJUDICE” box. If the incident does not constitute a specific crime, the *Investigative Report (IR), Form 03.01.00*, shall be titled “Hatred Incident;” and,
- Complete the *Hate Crime Supplemental Report, Form 03.01.05*.

Note: An IR shall be completed whenever an officer becomes aware of any incident, whether criminal or non-criminal, which meets the criteria of an incident motivated by hatred or prejudice. The unwillingness of the victim *related to* an incident motivated by hatred or prejudice to sign a report, or the absence of a victim to the incident, does not exempt officers from the requirement to complete an IR *regarding* the incident.

Investigation by Field Units. Field units assigned to calls or discovering *crimes or incidents* motivated by hatred or prejudice shall:

- Investigate the *crime or incident* and take appropriate action;
- Telephonically notify *RACR Division* of the *crime or incident*;
- Complete an IR and/or Arrest Report, *Form 03.01.00*, on all *crimes or incidents* motivated by hatred or prejudice and check the “MOTIVATED BY HATRED/PREJUDICE” box; and,
- Complete the *Hate Crime Supplemental Report* and attach it as the last two pages of the IR and/or Arrest Report.

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If the circumstances of an incident do not provide the corpus delicti of a specific crime, a short form IR shall be completed and titled "Hatred Incident." In cases where there is no specific crime, do not list persons possibly responsible for the incident as suspects. *Such* persons shall be listed in the "Involved Persons" section of the IR.

Watch Commander's Responsibilities. Upon notification that a crime or incident motivated by hatred or prejudice has occurred, the Watch Commander shall:

- Review all reports for completeness, including the notification to *RACR Division* and cause the reports to be distributed as soon as possible, but no later than the end of watch;
- *Ensure that the "MOTIVATED BY HATRED/PREJUDICE" box is checked;*
- *Ensure that the Hate Crime Supplemental Report is completed;*
- Make an entry regarding the matter in the Watch Commander's Daily Report, Form 15.80.00;
- Forward a copy of the Watch Commander's Daily Report entry, along with a copy of the Sergeant's Daily Report, Form 15.48.00, documenting the contact with the victim to the Area Hate Crime Coordinator; and,
- Direct a sergeant to immediately respond to the scene of a major crime or incident motivated by hatred, such as major property damage involved, injury to a victim, or vandalism to a house of worship.

Records Unit's Responsibilities. Upon receipt of a crime or incident motivated by a hatred or prejudice report, records unit personnel shall:

- Enter the information into the Consolidated Crime Analysis Database (CCAD), including the "crime or incident motivated by hatred or prejudice" code; and,
- Distribute the report(s) as soon as possible, but no later than 24 hours after the report is taken. In addition to the established distribution, an extra copy of the IR and Arrest Report shall be distributed to:
 - 1 – Detective Bureau;
 - 1 – Criminal Conspiracy Section (CCS), Major Crimes Division (MCD);
 - 1 – Community Relationship Division, Office of Constitutional Policing and Policy; and,
 - 1 – Hate Crimes Coordinator, Robbery-Homicide Division (RHD).

Area Hate Crime Coordinator's Responsibilities. The Commanding Officer, Area Detective Division, is the Hate Crime Coordinator for his/her command and shall:

- Assign a specific detective supervisor to coordinate the investigation of all hate crimes and incidents;
- Ensure that a specific detective is assigned to investigate each crime or incident and that an appropriate response is provided to each victim including, but not limited to, compliance with the mandated *10 calendar* day follow-up;
- Ensure that each crime or incident is entered into CCAD properly; and,

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- Cause a monthly summary of all hate crimes *or* incidents to be prepared and forwarded to the bureau commanding officer *via* the Area commanding officer within two business days of the following month.

Detective's Responsibilities. A detective assigned to investigate a crime or incident motivated by hatred or prejudice shall:

- Contact the victim within *10* calendar days of the crime or incident and reassure the victim of the Department's commitment to identifying the suspect and obtain follow-up information;
- Document any additional information on a Follow-up Investigation, Form 03.14.00;
- Present all felony hate crime investigations in which the suspect is identified, to the *Los Angeles County* District Attorney's Hate Crimes *Section* and, as appropriate, to the *Civil Rights Division, Department of Justice*, for filing consideration;
- Present all misdemeanor hate crime investigations in which the suspect is identified to the Special Enforcement Section, Office of the City Attorney, and as appropriate, to the Office of the United States Attorney, Civil Rights Liaison; and,
- Provide the command's Hate Crime Coordinator with a copy of all reports related to the incident *within 10 working days of completion*.

Note: Upon receipt of a *Follow-Up Investigation*, indicating that a previously reported incident was determined in fact not to have been motivated by hatred or prejudice, that incident shall not be included in the statistics.

Area Commanding Officer's Responsibilities. The Area commanding officer shall:

- Use all available resources in responding to community needs in combating hate crimes and incidents; and,
- Review and forward the monthly summary of hate crimes or incidents to the bureau commanding officer within two business days of receiving the monthly summary.

Bureau Commanding Officer's Responsibilities. The bureau commanding officer shall:

- Review each subordinate command's monthly summary of hate crimes or incidents;
- Forward *copies* of the monthly summaries to Detective Bureau (DB), CCS, *MCD and RHD* within *two* business days of receiving the reports; and,
- Initiate a semi-annual audit to verify the accuracy of each monthly hate crime summary submitted by subordinate commands and forward a copy of the audit to DB.

Police Sciences and Training Bureau Responsibilities. Police Sciences and Training Bureau is responsible for providing Department personnel with training pertaining to the proper handling of crimes or incidents motivated by hatred or prejudice.

**Los Angeles Police Department
HATE CRIME SUPPLEMENTAL REPORT**

BKG # _____

Page ____ of ____

DR # _____

VICTIM	<p align="center"><u>Victim Type:</u></p> <input type="checkbox"/> Individual Legal name: (Last, First) _____ Other Names used (AKA): _____ <input type="checkbox"/> School, business or organization Name: _____ Type: _____ (e.g., non-profit, private, public school) Address: _____ <input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____	<p align="center"><u>Target of Crime (Check all that apply):</u></p> <input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property <input type="checkbox"/> Other: _____ <p align="center"><u>Nature of Crime (Check all that apply):</u></p> <input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence <input type="checkbox"/> Property damage <input type="checkbox"/> Other crime: _____ Property damage - estimated value: _____
---------------	--	--

BIAS	<p align="center"><u>Type of Bias:</u> (Check all characteristics that apply):</p> <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Gender identity/expression <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Religion <input type="checkbox"/> Significant day of offense (e.g., 9/11, holy days) <input type="checkbox"/> Other: _____ Specify disability (be specific): _____ _____ _____	<p align="center"><u>Actual or Perceived Bias - Victim's Statement</u></p> <input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)]. <input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. If perceived, explain the circumstances in narrative portion of Report. <p align="center"><u>Reason for Bias:</u></p> Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain in narrative portion of Report. Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain in narrative portion of Report. Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain in narrative portion of Report. Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe in narrative portion of Report. Are there indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe in narrative portion of Report.
	<p align="center"><u>Bias Indicators (Check all that apply):</u></p> <input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used <input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____ Describe with exact detail in narrative portion of Report.	

HISTORY	<p align="center"><u>Relationship Between Suspect & Victim:</u></p> Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No Nature of relationship: _____ Length of relationship: _____ If Yes, describe in narrative portion of Report.	<input type="checkbox"/> Prior reported incidents with suspect? Total # _____ <input type="checkbox"/> Prior unreported incidents with suspect? Total # _____ Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe in narrative portion of Report. Type of order: _____ Order/Case #: _____
----------------	--	--

WEAPONS	Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____
	Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No

**Los Angeles Police Department
HATE CRIME SUPPLEMENTAL REPORT**

BKG # _____

Page ____ of ____

DR # _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked		
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo		
	Total # of photos: _____ D #: _____		<input type="checkbox"/> Known to victim		
Taken by: _____		Serial #: _____			

OBSERVATIONS	<u>VICTIM</u>		<u>SUSPECT</u>		
	<input type="checkbox"/> Tattoos	<input type="checkbox"/> Shaking	<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Crying	<input type="checkbox"/> Scared
	<input type="checkbox"/> Angry	<input type="checkbox"/> Fearful	<input type="checkbox"/> Calm	<input type="checkbox"/> Agitated	<input type="checkbox"/> Nervous
	<input type="checkbox"/> Threatening	<input type="checkbox"/> Apologetic	<input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos	<input type="checkbox"/> Shaking
	<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Crying	<input type="checkbox"/> Scared	<input type="checkbox"/> Angry	<input type="checkbox"/> Fearful
	<input type="checkbox"/> Calm	<input type="checkbox"/> Agitated	<input type="checkbox"/> Nervous	<input type="checkbox"/> Threatening	<input type="checkbox"/> Apologetic
	<input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Other observations: _____			

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit #: _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Name(s)/ID #: _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Hospital: _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Jail Dispensary: _____	
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____	
			Patient #: _____	

Reporting Officer (Name/Rank)	Date	Serial #	Division/Detail
Reporting Officer (Name/Rank)	Date	Serial #	Division/Detail
Supervisor Approving (Name/Rank)	Date	Serial #	Division/Detail

HATE CRIME/INCIDENT GUIDELINES

These guidelines shall be followed for investigations of Hate Crimes and Hate Incidents.

DEFINITIONS:

HATE CRIME

A Hate Crime is any criminal act or attempted criminal act directed against a person(s), public agency or private institution based on the victim's actual or perceived race, nationality, religion, sexual orientation, disability, or gender or because the agency or institution is identified or associated with a person or group of an identifiable race, nationality, religion, sexual orientation, disability, or gender. A Hate Crime includes an act which results in injury, however slight; a verbal threat of violence which apparently can be carried out; an act which results in property damage; and property damage or other criminal act(s) directed against a public or private agency.

HATE INCIDENT

A Hate Incident is any non-criminal act including words directed against a person(s) based on that person's actual or perceived race, nationality, religion, sexual orientation, disability or gender. Hate Incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one's own property.

I. ARRIVAL AT SCENE

- * Determine location/condition of victim;
- * Obtain medical treatment as needed;
- * Determine if suspect is still at scene;
- * Locate and identify witnesses;
- * Request witnesses remain for questioning; and,
- * Determine if a Hate Crime or Hate Incident has occurred.

II. INVESTIGATIVE REPORT, FORM 03.01.00

- * Investigate the crime or incident in a timely manner;
- * Interview victims/witnesses separately;
- * Notify the watch commander, Area of occurrence;
- * Notify the Real-Time Analysis Critical Response (RACR) at (213) 978-6500 for inclusion of the crime or incident in the Chief of Police 24-hour occurrence log and document the notification in the related report;
- * Complete the appropriate crime or arrest report(s) and check the "MOTIVATED BY HATRED/PREJUDICE" box;
- * *Complete the Hate Crime Supplemental Report, Form 03.01.05, and attach it to the IR and/or Arrest Report as the last two pages of the report;*
- * If the incident does not constitute a specific crime, the IR shall be titled "Hate Incident;"
- * Collect all evidence including that which verifies motive; and,

- * Provide support/resources for the victim.

III. INTERVIEW VICTIMS/WITNESSES

- * Interview victims/witnesses separately;
- * Establish the elements of the crime and other details relating to who, what, when, where, why and how; and,
- * Questions to consider:
 - ✓ Do you (victim/witness) perceive the action of the offender to be motivated by bias or bigotry (regardless of the victim's actual inclusion in that protected group), why?
 - ✓ Do you think you were targeted, why?
 - ✓ Who do you think is responsible, why?
 - ✓ Were there any offensive symbols, words or acts associated with hate groups used?
 - ✓ Are you the only member (or one of a few) of a protected class who lives in the area?
 - ✓ Have there been any prior incidents?
 - ✓ Has there been any recent public activity that would make you (victim) a target?
 - ✓ Did the suspect carry any literature regarding a particular group?
 - ✓ Did the incident occur on a holiday or day of significance to the victim's or offender's group?
 - ✓ Did the suspect have tattoos or clothing that stand out in your mind?

Note: Victims may be reluctant to be identified with a protected group. Witnesses may fear retaliation and therefore feel fearful or hesitant to get involved.

IV. IF SUSPECT IS TAKEN INTO CUSTODY

- * Prevent communication between suspect and victim/witnesses;
- * Record spontaneous statements made by the suspect (many times hate crime suspects will be proud of their actions and anxious to talk);
- * Administer Admonition of Rights; and,
- * Questions to consider (only after Admonition of Rights):
 - ✓ Why did you pick this person?
 - ✓ How do you feel about this person/group?
 - ✓ Did you go looking for this person or group?
 - ✓ Did you select the victim at random?
 - ✓ Do you belong to a group or organization?
 - ✓ Are any others involved in the crime?
 - ✓ Do they have a mission or agenda directed toward this person or a particular group?

V. EVIDENCE

- * Photograph any evidence that substantiates the motive, e.g., hate graffiti, cross burning, swastikas, suspect's attire, etc.;
- * Recover weapons and book or photograph; and,

- * Identify, retrieve or photograph other evidence, e.g., bloody clothing, destroyed property, hate material, suspect's attire if appropriate, etc.

VI. COMPLETING CRIME REPORT

- * Complete a Request for Confidentiality of Information, Form 03.02.00;
- * Title the report according to the criminal violation and add "HATE CRIME" to the title, e.g., BATTERY/HATE CRIME;
- * Check the "MOTIVATED BY HATRED/PREJUDICE" box in the MO section;
- * Complete the *Hate Crime Supplemental Report, Form 03.01.05*, and attach it to the IR and/or Arrest Report as the last two pages of the report;
- * Notify the RACR telephone (213) 978-6500 and enter the name of the person contacted in the notification box;
- * Ensure that elements of all involved crimes are included in the report; and,
- * Document the following in the narrative:
 - ✓ Motivation or the lack of motivation;
 - ✓ Any photographs that were taken;
 - ✓ Medical treatment obtained;
 - ✓ If the victims and suspects are members of different groups;
 - ✓ Describe the manner and means of attack; and,
 - ✓ Describe any relevant ongoing neighborhood events.

Note: In crime reports, Penal Code Section 422.6 or 422.7 will be identified as additional offenses. The underlying crime (i.e., battery, vandalism, assault, etc.) should be listed as the main offense.

VII. COMPLETING INCIDENT REPORT (NON-CRIMINAL INVESTIGATIONS)

- * Officers shall complete an IR titled "HATE INCIDENT;"
- * Include the motivation of the suspect;
- * Check the "MOTIVATED BY HATRED/PREJUDICE" box in the MO section;
- * Complete the *Hate Crime Supplemental Report, Form 03.01.05*, and attach it to the IR and/or Arrest Report as the last two pages of the report; and,
- * List persons possibly responsible for the incident in the "INVOLVED PERSONS" section of the IR as "witnesses."

Note: The unwillingness of the victim of an incident motivated by hatred or prejudice to sign a report, or the absence of a victim to an incident, does not exempt officers from the requirement to complete an IR, Form 03.01.00.

VIII. ADDITIONAL RESPONSIBILITIES

Watch Commander

- * Review all reports for completeness, including the notification to RACR and cause the reports to be distributed as soon as possible, but no later than the end of watch;
- * Ensure that the "MOTIVATED BY HATRED/PREJUDICE" box is checked;
- * Ensure that the *Hate Crime Supplemental Report* is completed;
- * Direct a sergeant to immediately respond to the scene of a major crime or incident motivated by hatred such as major property damage involved, injury to victim, or vandalism to a house of worship;
- * Make an entry regarding the matter in the Watch Commander's Daily Report, Form 15.80.00; and,
- * Forward a copy of the Watch Commander's Daily Report entry along with a copy of the Sergeant's log documenting the contact with the victim to the Area Hate Crime Coordinator.

Area Detectives

- * Contact the victim within 10 calendar days of the crime or incident and assure the victim of the Department's interest in identifying the suspect and obtain follow-up information;
- * Document any additional information on a Follow-up Investigation, Form 03.14.00;
- * Present all felony hate crime investigations in which the suspect is identified to the District Attorney Hate Crime Suppression Unit and, as appropriate, to the Office of the United States Attorney, Civil Rights Liaison for filing consideration;
- * Present all misdemeanor hate crime investigations in which the suspect is identified to the Special Enforcement Section, Office of the City Attorney, and as appropriate, to the Office of the United States Attorney, Civil Rights Liaison;
- * Contact appropriate *Victim Impact Program* Coordinator if applicable per Operations Notice No. 2, dated 5/14/2002; and,
- * Provide the command's Hate Crime Coordinator with a copy of all reports related to the incident within 10 working days of completion. This includes all reclassified reports.

POLICY STATEMENTS:

The City of Los Angeles values the great diversity of its people and recognizes that a threat against any portion of our community is truly a threat against our diverse way of life. Acts or threats of violence motivated by hatred or prejudice are serious acts, often vicious in nature, which tear at the fabric of our community. These occurrences generate fear and concern among victims as well as the entire community and have the potential of recurring, escalating and possibly causing counter-violence.

It is the policy of the Los Angeles Police Department to ensure that the rights of all people, as guaranteed by the Constitutions of the United States and the State of California, are protected. Among those constitutional guarantees is the right of all people to live without fear of attack by or threat from an individual or group due to hatred or prejudice. An act or a threat of violence motivated by hatred or prejudice threatens this constitutional guarantee and generates fear and concern among victims and the public. When any act motivated by hatred or prejudice occurs, the Department will ensure that it is dealt with on a priority basis and use every necessary legal resource to rapidly and decisively identify the suspects and bring them to justice.

**HATE CRIME/HATE INCIDENT
DETECTIVE REPORT REVIEW/CRITERIA
CHECKLIST**
(For use by the Investigating Detective)

DR NO.	TITLE OF REPORT		
INVESTIGATING OFFICER'S (I/O) LAST NAME/SERIAL NO.			DATE
CHECKLIST	YES	NO	N/A
Investigative Report Titled Correctly ➤ If not, complete a Follow-up Investigation Report and correct report title. ➤ Forward a copy to the Hate Crimes Unit, DSVD.			
"Hate Crime/Incident" Box is Checked			
Hate Crime Resource Pamphlet Provided to Victim(s) ➤ If not, I/O shall mail pamphlet to Victim(s) and document on a Form 3.14. ➤ Forward copy of 3.14 to Hate Crimes Unit, DSVD. ➤ Check the appropriate box on the Request for Confidentiality form. <u>Hate Crimes only.</u>			
FOR HATE CRIMES ONLY			
Watch Commander Advised of Hate Crime			
RACR Notified ➤ RACR should be advised of all hate crimes. ➤ RACR will make notifications to Command Staff, as deemed appropriate.			
Request for Confidentiality of Information Form Completed ➤ If not completed, I/O shall complete one and document on a Form 3.14. Forward copy of 3.14 to Hate Crimes Unit, DSVD.			
Hate Crime Documented on the Watch Commander's Daily Report ➤ Forward copy of Watch Commander's Daily Report to Hate Crimes Unit, DSVD.			
Contact or Attempts to Contact Victim within (10) Calendar Days Documented in Form 3.14			
Form 3.14 Completed within (10) Business Days ➤ Forward copy of 3.14 to Hate Crimes Unit, DSVD.			
Hate Crime (Code 903) or Hate Incident (Code 921) Properly Coded in CCAD			
Case Submitted to District Attorney Hate Crime Unit or City Attorney Crime Suppression Unit			
Hate Crime Report was Entered in DOJ Hate Crime Database			

You are also protected under the Ralph Act and the Bane Act. Under these laws, a court may award money to you. The court may require the person who has violated your rights to pay a civil penalty (\$25,000) to you, money to compensate you for the actual harm you have suffered, and/or an additional amount of money designed to punish that person and to deter future violations of these laws.

The court also may issue a restraining order or other injunctive order to protect you from further harm, and may order the person who has harmed you to pay your attorney's fees if you have hired an attorney.

What can you and your community do?

Speak out against hate and intolerance:

Support the victim(s) by holding community rallies and offering support and assistance to the victim(s).

Encourage public officials to state their opposition to hate crimes.

Participate in an anti-hate crime network that includes law enforcement, local government, schools, local businesses, religious organizations, and community-based organizations. These networks can immediately respond to a hate crime/ incident when they occur and promote prevention and awareness.

**IF YOU BELIEVE YOU ARE
THE VICTIM
OF A HATE CRIME,
CONTACT YOUR
LOCAL SHERIFF'S
STATION OR
POLICE DEPARTMENT
IMMEDIATELY.**

If you want to remain
anonymous, you can contact
Crime Stoppers at
1-800-222-TIPS (8477)
www.lacrimestoppers.org



Los Angeles County
Sheriff's Department

211 West Temple Street
Los Angeles, CA 90012
(213) 229-1700
www.lasd.org

Attachment C



Los Angeles County
Sheriff's Department

A BRIEF GUIDE TO HATE CRIMES

INFORMATION AND RESOURCES



WWW.LASD.ORG

HATE CRIMES IN LOS ANGELES COUNTY

In California, you may be the victim of a hate crime if you are targeted because of your **race, ethnicity, nationality, religion, gender, sexual orientation, physical or mental disability**, or if you are targeted because you are associated with a person or group with one or more of these "real" or "perceived" characteristics.

It is important to differentiate between hate crimes and hate incidents.

A **hate incident** is an action or behavior that is motivated by hate; but is protected by the First Amendment right of freedom of expression. The following are examples of hate incidents: name calling, use of epithets, distribution of hate material (leafletting) in public places, and display of offensive hate-motivated material on one's own property. The freedoms guaranteed by the U.S. Constitution, such as the freedom of speech, allow hateful rhetoric as long as it does not interfere with the civil rights of others. If this type of behavior escalates to threats against a person, that activity would be classified as a hate crime.

A **hate crime** is an actual or attempted criminal act committed against a victim or the property of a victim because the victim is perceived to possess a protected characteristic.

Hate crimes should be immediately reported to your local law enforcement agency. Hate crimes and hate incidents **MUST** be reported in order to ensure proper documentation, investigation, and prosecution. Not reporting these incidents to law enforcement only encourages perpetrators to continue to act on their beliefs and they will continue to pose a threat to our communities.

Hate Crime Victims

If you suspect you are a victim of a hate crime, you should:

- Call your local law enforcement agency immediately.
- Obtain medical attention (if needed).
- Document the exact words that were spoken and any other details about the incident that may be of value.
- Save any evidence (e.g. graffiti, egg shells, photographs, writings, victim's description). Do not remove any evidence. Wait until law enforcement officers arrive.
- Obtain the name(s), address(es), and telephone number(s) of other victims and/or witnesses.
- If possible, get a description of the perpetrator's vehicle and last direction of travel.
- Call a community-based organization in your area that responds to hate crimes.

Basic Indicators

The following are signs that a hate crime may have been committed:

- Perception of the victim or witness or prior statement(s) by the perpetrator indicating that the perpetrator selected the victim because of his or her protected characteristic.
- Written or oral comments from the perpetrator that may indicate a bias.
- Date of incident coincides with a day that has significance for the victim's protected characteristic.
- Differences of race, ethnicity, nationality, religion, gender, sexual orientation, or physical or mental disability between the victim and the perpetrator.
- Organized hate-group activity in the area at the time of the incident/crime.

Services Available to Hate Crime Victims

- You have certain rights under the California Constitution's Victim's Bill of Rights. You may be entitled to information about the prosecution of the perpetrator, and you have the right to present a victim-impact statement at the time of sentencing.
- You may be entitled to restitution for any loss, damage, or injury that you may incur. Note: immigration status is **NOT** a determining factor for assistance.